

00078

REGULAR CITY COUNCIL MEETING
JUNE 19, 2003

PRESENT

Gayle Bunker
Bruce Curtis
Robert Droubay
Margaret Dutson
Glen Swalberg

Mayor
Council Member
Council Member
Council Member
Council Member

ABSENT

Wesley Bloomfield

Council Member

ALSO PRESENT

Richard Waddingham
Alan Riding
Ken Clark
Judy Sabey
Gregory Shafer
Beth Day
Farilyn Edwards
Robert & Sharry Harper
Russell & Cindy Greathouse

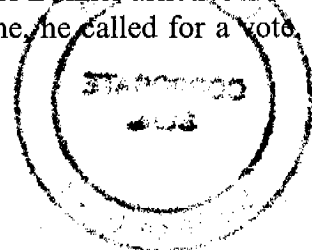
City Attorney
Public Works Director
Asst. Public Works Director
City Treasurer
City Recorder
City Resident
City Resident
Delta Car Show
Area Resident

Mayor Bunker called the meeting to order at 7:00 p.m. He stated that notice of the meeting time, place and agenda had been posted at the City Building, had been mailed to the Millard County Chronicle/Progress and provided to each member of the City Council at least two days prior to the meeting. City Recorder Gregory Schafer acted as secretary.

Council Member Robert Droubay offered an invocation, following which Mayor Bunker led those in attendance in the Pledge of Allegiance.

MINUTES

The proposed minutes of a Regular City Council Meeting held May 15, 2003 were presented for consideration and approval. Following review, Council Member Robert Droubay MOVED to approve the minutes of the Regular City Council Meeting held May 15, 2003, ~~as presented~~. The motion was SECONDED by Council Member Glen Swalberg. Mayor Bunker asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.



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The proposed minutes of a Regular City Council Meeting held June 5, 2003 were presented for consideration and approval. Following review, Council Member Bruce Curtis MOVED to approve the minutes of the Regular City Council Meeting held June 5, 2003, as presented. The motion was SECONDED by Council Member Margaret Dutson. Mayor Bunker asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

ACCOUNTS PAYABLE

The Council reviewed the accounts payable, a copy of which had been given to them two days prior to the meeting. Following review, Council Member Glen Swalberg MOVED to approve the accounts payable, dated June 19, 2003, in the amount of \$33,992.45. The motion was SECONDED by Council Member Bruce Curtis. Mayor Bunker asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

UNFINISHED BUSINESS

CITY ATTORNEY RICHARD WADDINGHAM: PROPOSED SALE OF WATER TO GRAYMONT WESTERN USA

City Attorney Richard Waddingham stated that, when he had asked to have this item on the agenda, he was under the impression that Delta City may be entering into an agreement to provide surplus water outside of the city. City Attorney Waddingham reported on a Supreme Court case involving a municipality which based their water rates on whether or not water users lived within city limits. The Supreme Court ruled that basing water rates on non-residency status only is discriminatory. Rates can be based on the additional cost of providing water to non-residents, on costs of water projects which are paid by residents but not by non-residents; i.e., capital improvement costs, water bonds, etc., liability, employees maintaining the system who are paid from the General Fund, and other reasons expressed in the Supreme Court decision. City Attorney Waddingham advised the Council that, in the event Delta City should enter into an agreement for sale of surplus water, the minutes should reflect the reason for the rate charged to non-residents.

MAYOR GAYLE BUNKER: EMPLOYEE RECOGNITION FOR DENT KIRKLAND AND TRAVIS STANWORTH

Mayor Bunker noted that one of the employees was unable to attend the meeting tonight so this matter will be on the agenda for the next meeting.

RUSSELL GREATHOUSE: PROPOSED RURAL RESIDENTIAL DEVELOPMENT LOCATED AT APPROXIMATELY 800 TO 1000 EAST 750 NORTH

Russell Greathouse told the Council that he is requesting input from the Council regarding a proposed rural residential development. Mr. Greathouse requested information from the Council as to what type of development would be acceptable, such as one-half acre lots, one acre lots, whether curb, gutter and sidewalks would be required throughout, etc, Council Member Droubay advised the Council that Mr. Greathouse has been discussing this matter with the Planning & Zoning Commission for several months. The Planning & Zoning Commission approves of Mr. Greathouse's concept, but the development does not comply with current zoning requirements. For this reason, the Planning Commission is hesitant to recommend approval of a development which may not be approved by the Council. Mr. Greathouse determined that it would be prudent to come before the Council to obtain direction in designing a development which would be acceptable and, also, to determine what improvements would be required.

Mayor Bunker noted that the Rural Residential zone does not allow one-half acre lots, which Mr. Greathouse would like to include in his development. Also, the current zoning ordinance does not address the subject of the proposed equestrian area to house horses for property owners. Mayor Bunker felt that the development would be an asset to Delta City. City Attorney Waddingham recommended that an addendum to the subdivision ordinance be adopted to address the issues involved in a rural residential subdivision rather than re-write the entire subdivision ordinance.

Mayor Bunker and the Council requested that City Attorney Waddingham prepare an addendum to the zoning ordinance and subdivision ordinance for approval by the Planning & Zoning Commission and the Council.

COUNCIL MEMBER WESLEY BLOOMFIELD: LOCATION FOR PROPOSED SKATE PARK

Mayor Bunker noted that Council Member Bloomfield had asked to be excused from this meeting. Mayor Bunker referred to drawings which had been distributed to each member of the Council and advised them that, after lengthy consideration of numerous sites, he is recommending that the proposed skate park be located on the east end of the soccer field, located north of the City Park. The area is close to restrooms, drinking water is available, there is adequate space available and the area is located along 100 West, which is a well traveled street and would be a highly visible area. He also indicated that letters had been sent to all adjacent property owners that the matter would be discussed at this meeting but none of them were in attendance.

Following discussion, Council Member Glen Swalberg MOVED to approve use of the Delta City property located north of the City Park, known as the "Old Football Field" located at 100 West and 100 North, for use as a combined skate park and soccer field. The motion was SECONDED by Council Member Robert Droubay. Mayor Bunker asked if there were any comments or questions regarding the motion. City Attorney Waddingham recommended to the Council that they consider placing a fence around the skate park in order to restrict skate park users from exiting the skate park directly into the street. Mayor Bunker asked if there were any other comments or questions. There being none, he called for a vote. The motion passed unanimously.

PUBLIC WORKS DIRECTOR ALAN RIDING: PARTICIPATION REPORT FOR PROPOSED CURB / GUTTER AND SIDEWALK PROJECT ON 200 EAST STREET AND 150 EAST STREET BETWEEN 200 NORTH AND 300 NORTH

Public Works Director Alan Riding reported that, of the seventeen residents involved in the project, he had obtained signatures of fifteen residents who agree to participate in the project and two residents are in opposition to the project. All of the residents on 150 East have agreed to participate in the project and ten of the twelve residents of 200 East have agreed to participate. Farilyn Edwards, a resident in the project area, told the Council that she is concerned about her financial situation at this time and is unable to pay the necessary amount for participating in the project. Mayor Bunker asked Mrs. Edwards to come visit with him and work out a payment schedule which will not create an undue burden upon her.

Following discussion, Council Member Glen Swalberg MOVED to proceed with the curb, gutter and sidewalk project on 150 East and 200 East between 200 North and 300 North, with a charge of \$10 per linear foot of frontage to residents in the project area. The motion was SECONDED by Council Member Bruce Curtis. Mayor Bunker asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed with Council Members Curtis, Droubay and Swalberg voting aye and Council Member Dutson voting no.

PUBLIC WORKS DIRECTOR ALAN RIDING: PURCHASE OF HYDRAULIC CONTROL VALVE

Public Works Director Riding told the Council that purchase of a hydraulic control valve was budgeted at \$5,000 last year. It was determined that \$5,000 was not adequate to purchase the valve, so the budget was increased to \$7,500. A price quote for the hydraulic control valve and fittings totals \$7,430 and a meter to monitor gallons per minute flow through the control valve would cost an additional \$2,930. The meter could be purchased from the Construction Materials and Supplies line item, which has an existing balance of \$6,500.

Public Works Director Riding requested approval of the Council to purchase the control valve and meter. He noted that this item was not put out for bid because it is a specialty item which must be obtained from a vendor which specializes in this type equipment.

Following discussion, Council Member Robert Droubay MOVED to approve purchase and installation of a hydraulic control valve and meter on the water tank located at White Sage at a cost of \$7,430 for the valve controller and fittings and an additional \$2,930 for a meter and fittings. The motion was SECONDED by Council Member Margaret Dutson. Mayor Bunker asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

PUBLIC WORKS DIRECTOR ALAN RIDING: PURCHASE OF PLAYGROUND EQUIPMENT FOR NEIGHBORHOOD PARK

Public Works Director Riding advised the Council that, during the process of looking for a site for the proposed skate park, Mayor Bunker and Council Member Bloomfield noted that the playground equipment at the Neighborhood Park is in poor condition and needs to be replaced. At this time, the playground equipment has been removed and we have been looking at possible replacement equipment. Public Works Director Riding contacted the company which provided the playground equipment in the City Park and presented proposed equipment designs for review by the Council. The designs proposed are priced between \$10,000 and \$15,000, which includes installation.

Following review and discussion, Council Member Robert Droubay MOVED to approve expenditure of up to \$15,000 for purchase and installation of playground equipment at the Neighborhood Park, along with installation of "monkey bars" by the Public Works Department. The motion was SECONDED by Council Member Margaret Dutson. Mayor Bunker asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

PUBLIC WORKS DIRECTOR ALAN RIDING: PURCHASE OF UPGRADE FOR "C" STATION

Public Works Director Riding explained that sewer lift station "C," which is located at approximately 200 East and Main Street, is one of the older lift stations in the system. There were major problems with the control panel approximately ten years ago, at which time it was learned that replacement parts were not readily available. The lift station control panel has been monitored closely since that time in order to make it last as long as possible. At this time, the control panel is in need of replacement.

Public Works Director Riding told the Council that replacement of the sewer lift station control panel had been included in the budget, at a cost of \$15,000. A Flygt Control Panel and fittings has been priced at \$13,632.55. This equipment is a specialized item.

Following discussion, Council Member Glen Swalberg MOVED to approve upgrade of sewer lift station "C" by purchase of a new control panel and fittings, at a price of \$13,632.55. The motion was SECONDED by Council Member Bruce Curtis. Mayor Bunker asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

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PUBLIC WORKS DIRECTOR ALAN RIDING: PROPOSED SEWER CLEANING CONTRACT VS. JET VAC TRUCK PURCHASE

Public Works Director Riding presented a copy of a "Preventative Maintenance Cleaning and Video Inspection Agreement" for review by the Council. This is the agreement used by Twin "D" Inc. Environmental Services in contracting for sewer cleaning. He noted that there had been discussion during the Budget Work Session regarding the cost of contracting for sewer cleaning vs. purchase of a jet vac truck to allow the Public Works Department to do the sewer cleaning. Public Works Director Riding invited the Council to discuss the positive and negative aspects of the two possible solutions to prevent back up of sewer lines. He noted the positive aspect of contracting to have the entire Delta City sewer system cleaned at one time and stated that, in the years he has been with Delta City, the entire system has never been cleaned at one time. Delta City has owned a jet vac truck but, due to various items such as time and manpower constraints, age and type of sewer jet vac truck, etc., there has never been an actual cleaning regimen to clean all of the lines in the system. It will be necessary, however, for Delta City to have a jet vac truck in order to take care of emergency situations. The last time the current jet vac truck was in need of repair, the replacement part had to be specially machined, which took approximately two months. Public Works Director Riding felt that it would be practical to agree to a one year cleaning contract and budget for purchase of a jet vac truck next year.

Following discussion, Council Member Robert Droubay MOVED to approve entering into a one year Preventative Maintenance Cleaning and Video Inspection Agreement with Twin "D" Inc., at a cost of \$41,600.00 plus mobilization and per diem fees, for cleaning of the entire Delta City sewer system. The motion was SECONDED by Council Member Glen Swalberg. Mayor Bunker asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

PUBLIC WORKS DIRECTOR ALAN RIDING: REPORT ON PUBLIC WORKS DEPARTMENT PROJECTS

Public Works Director Riding reported that the curb and gutter project is ready to begin, water meters will be read next week and a tree planting project in the park will also be completed next week. The trees to be planted are three groups of three conifers, including Blue Spruce and Austrian Pine trees, one of which will be used as the Memory Tree. These trees have been purchased with monies received from a community tree planting project grant from the Utah Division of Forestry, Fire and State Lands. We are currently working on an additional grant from TreeUtah which will be used to purchase a variety of trees to be planted at both the City Park and the Neighborhood Park.

Public Works Director Riding informed the Council that 100 North Street, which runs along the north side of the City Building, has been prepared for asphalt and will be completed prior to the Fourth of July celebration.

PUBLIC WORKS DIRECTOR ALAN RIDING: WRITE OFF OF UNCOLLECTIBLE UTILITY BILLING ACCOUNTS

Public Works Director Riding provided a list of utility accounts which are considered to be uncollectible and requested permission to write off the balances. He explained that collection efforts will continue, including small claims judgments. City Attorney Waddingham suggested that the accounts of those individuals who have real property be removed from the list of accounts to be written off and that judgment liens be filed against their property.

Following discussion, Council Member Robert Droubay MOVED to authorize Public Works Director Alan Riding to write off all accounts listed except the one in the amount of \$282.70, for a total of \$1,414.09, and to obtain a judgement against that individual to attach a lien against real property owned by them, and that it become Delta City policy, from this point forward, to seek judgment against individuals owing delinquent utility accounts who have real property and to attach a lien on that property. The motion was SECONDED by Council Member Glen Swalberg. Mayor Bunker asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

MAYOR GAYLE BUNKER: DELTA CITY FINAL BUDGET FOR FISCAL YEAR 2003-2004

Mayor Bunker stated that, prior to this meeting, a public hearing had been held for the purpose of receiving public comment regarding the proposed Delta City Final Budget for Fiscal Year 2003-2004, with no negative public comment being received. Mayor Bunker noted that adjustments had been made to sales tax revenues, library grants, and miscellaneous revenues. He also reviewed adjustments made to expenditures and noted that the budget totals \$3,153,151. City Attorney Waddingham provided the following resolution:

RESOLUTION NO. 03-284

A RESOLUTION ADOPTING A FINAL BUDGET FOR THE CITY OF DELTA, UTAH FOR
THE FISCAL YEAR BEGINNING JULY 1, 2003.

Following review, Council Member Bruce Curtis MOVED to approve Resolution No. 03-284, a resolution adopting a final budget for the City of Delta, Utah for the fiscal year beginning July 1, 2003, in the amount of \$3,153,151. The motion was SECONDED by Council Member Glen Swalberg. Mayor Bunker asked if there were any comments or questions regarding the motion. There being none, he called for a roll call vote. The voting was as follows:

Wesley Bloomfield	Absent
Bruce Curtis	Yes
Robert Droubay	Yes
Margaret Dutson	Yes

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Glen Swalberg

Yes

The motion passed unanimously.

OTHER BUSINESS

Mayor Bunker noted that Robert and Sharry Harper were in attendance as representatives of the Delta Car Show. Mayor Bunker asked them to come forward and address the Council. Mr. Harper thanked the Council for the support which Delta City has given to the Delta Car Show. Mr. Harper requested permission to use the Delta City Park and the north soccer field for the Delta Car Show this year, which is scheduled for September 19-21. Mr. Harper also requested permission to close the west side of 100 West Street from Main Street to 100 North, in order to set up vendors in that area. Mr. Harper expressed appreciation to the Delta City park employees for the work they do in the City Park. Following discussion, Council Member Robert Droubay MOVED to approve use of the City Park and soccer field for the Delta Car Show, as well as approve closure of the west side of 100 West Street, from Main Street to the north end of the City Park, to be used for vendors during the car show. The motion was SECONDED by Council Member Glen Swalberg.

City Attorney Richard Waddingham advised the Council that, in reference to purchase of playground equipment for the Neighborhood Park, he requested the minutes reflect that, due to the funds having been budgeted and there being a deadline for expenditure prior to the end of June, there is not adequate time to obtain bids, therefore, Delta City will dispense with the bidding process and allow purchase of the playground equipment in a timely manner. Mayor Bunker stated that he felt the existing playground equipment needed to be removed immediately due to potential liability for use of the existing equipment. Mayor Bunker advised City Attorney Waddingham that telephone bids had been obtained due to the imminent danger of the existing equipment, which was removed immediately upon examination of its condition. Council Member Robert Droubay stated that he made the motion to approve expenditure of funds for purchase of the playground equipment and agreed with City Attorney Waddingham's advice that the minutes contain information regarding the unsafe condition and immediate need for replacement of the equipment.

City Attorney Waddingham advised the Council that, as of this date, he has found that, without creation of a special service district, a municipality might not be permitted to force payment for improvements to their property. He will continue research on the matter and advise the Council of any additional information which he may find. He considered it a good sign that a large majority of residents have agreed to pay a share of the costs of improvements. He also cautioned that the residents involved in the 150 East and 200 East curb, gutter and sidewalk project should be required to sign an agreement to pay their share of the costs. City Attorney Waddingham also advised the

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Council that, if there are only two parties who are not in agreement with the project, the cost associated with creating a special service district for the project is probably not justified.

Council Member Margaret Dutson reported that she had been contacted by Kathy Walker, Millard County Chronicle/Progress, regarding thirty Journey of Hope bicyclists which will be stopping in Delta on June 26th. In past years, the cyclists have been housed at the high school during their stop over and fed a meal, which has traditionally been arranged by Ken Lebbon. Mr. Lebbon is no longer living in Delta and request has been made for the Delta Area Youth City Council to provide the meal. However, at the present time, the youth council does not have an advisor and they are going to be participating in the Cancer Association Walk for Life that day. Council Member Dutson asked the Council for suggestions as to someone who would be willing to prepare the dinner. One of the local grocery stores has traditionally donated food for the dinner but someone needs to take responsibility for preparation of the meal. No suggestions were offered.

Council Member Margaret Dutson advised the Council that the youth council would like to arrange for an event which the entire community could enjoy. Council Member Dutson has talked with Kurt Bestor, who is willing to come to Delta to do a Christmas Concert on December 20th, however, tickets would probably run \$20 to \$30 per person. She felt that this may be somewhat expensive for Delta residents. Council Member Dutson also talked with Ron Draper, of the Cultural Council, who indicated that there is a school district foundation which could assist in paying for the concert and, if the school district foundation did assist, would share in any profit or loss from the concert. Council Members felt that many people would be willing to pay the price for tickets, but were concerned about the date. Council Member Robert Droubay noted that, at \$15 per person, sale of 400 tickets would be required to recoup a \$6,000 investment and felt that it should be relatively easy to sell that number of tickets. Council Members requested that Council Member Dutson find out how much time she has to book the concert to determine whether the Council has time to consider this matter further prior to making a final decision.

Mayor Bunker stated that Bryan Christensen has requested a contribution of \$100 to support the Special Olympics program. Council Members agreed to contributing \$100 in support of the Special Olympics.

Mayor Bunker reported that the nomination which was submitted for the Mayors Award in the Humanities had been rejected due to the fact that the individual nominated did not fit within the

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stated criteria, which requires that the nominee be involved in museums, libraries, history, arts, etc. We were given the opportunity to nominate another individual so Mayor Bunker nominated Jane Beckwith for her work with the Topaz Museum. Council Member Robert Droubay suggested that a letter be sent to the individual previously nominated to express appreciation for the volunteer work which she does.

Mayor Bunker stated that the time for the Main Parade on July Fourth has been changed to 9:15 a.m., in order to coincide with the F-16 flyover from the Air Force Reserve at Hill Air Force Base. Mayor Bunker requested that all Council Members be in attendance to ride in the parade. Mayor Bunker recommended that the regularly scheduled Council meeting on July 3rd be canceled. Council Members agreed with cancellation of the meeting.

Mayor Bunker told the Council that he would like to have a float in the parade for the parks workers to ride on. This would be an opportunity to let people know who is responsible for the beauty of the park. Council Members agreed with Mayor Bunker's suggestion.

Mayor Bunker stated that he had attended the Millard County Tourism meeting last evening and felt that the meeting went very well, with no obvious problems being exhibited. There will be another person added to the board, which will make three from each side of the county, and four board members must be present in order to have a meeting. There was discussion of moving tourism from the Delta City office to the Millard County office. Mayor Bunker voiced opposition to the proposal due to the fact that, with tourism, location is the important factor and, being located in the park, the Delta City building is in a better location for tourism than the Millard County office.

City Recorder Gregory Schafer reported that he had been contacted by the vendor for the document imaging system he had requested during the Budget Work Session. The vendor advised that the system could be purchased, during a June promotion, for a total of just under \$10,000. City Recorder Schafer requested permission to obtain telephone bids from other vendors and if, in fact, the preferred vendor is the low bid, requested permission for the Mayor to sign a contract for purchase of the system, with payment to be made in July, when the next fiscal year begins. Council Members agreed with the proposal.

Mayor Bunker asked if there were any comments, questions, or other items to be discussed. There being none, Council Member Margaret Dutson MOVED to adjourn the meeting. The motion was


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SECONDED by Council Member Robert Droubay. Mayor Bunker asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

Mayor Bunker declared the meeting adjourned at 9:07 p.m.


GAYLE BUNKER, Mayor


GREGORY JAY SCHAFER, CMC, City Recorder

MINUTES APPROVED: RCCM 07-17-03

